



# UNITED STATES PATENT AND TRADEMARK OFFICE

mw

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,979	02/15/2002	Patrick Lepeltier	A-3212	1432

7590 11/14/2003

LERNER AND GREENBERG, P.A.  
PATENT ATTORNEYS AND ATTORNEYS AT LAW  
Post Office Box 2480  
Hollywood, FL 33022-2480

EXAMINER

CRENSHAW, MARVIN P

ART UNIT	PAPER NUMBER
----------	--------------

2854

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/076,979

Applicant(s)

LEPELTIER ET AL.

Examiner

Marvin P. Crenshaw

Art Unit

2854

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on the amendment filed 9/03/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 6 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 6 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

With respect to claim 6, the prior art does not teach or render obvious the total combination as claimed including an infeed device wherein the deformation element is formed as a profiled flexible metallic rail.

With respect to claim 9, the prior art does not teach or render obvious the total combination as claimed including the infeed device having the deformation element formed as a sidewise disposed U-shaped profile and is slidable laterally onto said infeed triangle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2854

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,7,8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Brueckl.

Brueckl teaches an infeed device (Fig. 1) for drawing a material web (01) into a web-fed rotary printing machine in an infeed direction, comprising an infeed channel (11), an infeed element (12) guidable in said infeed channel, and an infeed triangle (Fig. 1) releasably connectable to said infeed element said infeed triangle having fastened thereto a leading end of the material web to be drawn into the rotary printing machine and said infeed triangle having on a side thereof facing towards said infeed channel a deformation (06) extending at least approximately perpendicularly to the infeed direction.

With respect to claim 3, the infeed device (Fig. 1), wherein the deformation (6) element extends parallel to said side of said infeed triangle facing towards said infeed channel.

With respect to claim 4, the infeed device wherein the deformation (Fig. 2, 6) has a form selected from the group thereof consisting of wave forms and sawtooth forms.

With respect to claim 7, the infeed device wherein the deformation (Fig. 2) element as viewed in the infeed direction has a series of elevations and depressions.

Art Unit: 2854

With respect to claim 8, the infeed device wherein the deformation (Fig. 2) element has a length exceeding the width thereof by a multiple.

With respect to claim 10, the infeed device wherein the deformation (Fig. 2) element is fastenable to a side of said infeed triangle selected from the group consisting of an upper side (03) and an underside (07) thereof.

With respect to claim 11, the infeed device (Fig. 1) for drawing a material web into a web-fed rotary printing machine in an infeed direction comprising an infeed channel (11) having a channel slot formed therein defining a width of said channel slot, an infeed element (12) extending outwardly through said channel slot and being guidable in said channel slot, an infeed triangle (Fig. 1) releasably connected to said infeed element said infeed triangle having a leading end of the material fastened thereto and said infeed triangle having a deformation (06) extending at least approximately to the infeed direction on a side of said infeed triangle facing towards said infeed channel, said deformation having a height (Fig. 2) exceeding said width of said channel slot formed in said infeed channel.

With respect to claim 2, the infeed device including a deformation element for forming said deformation, it would be inherent that something would create the deformation that is formed on the apparatus.

### ***Response to Arguments***

Applicant's arguments filed 09/03/2003 have been fully considered but they are not persuasive. Specifically, Brueckl teaches the claimed matter of having an infeed device having an infeed element.

Art Unit: 2854

With respect to applicant's argument of not having the infeed element guidable in the channel slot, Bruckel teaches the infeed element having a slot (13) and the element being slidable within the slot (See Fig. 3). Member 14 is considered to be part of the infeed element.

With respect to claim 11, "the infeed device having a deformation formed on the infeed triangle with a height exceeding the width on the channel slot", it is clear from Bruckel that the deformation (6) has a height exceeding the width on the channel slot.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone

Art Unit: 2854

number is (703) 308-0797. The examiner can normally be reached on Monday - Friday 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MPC  
November 13, 2003



ANDREW H. HIRSHFELD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800